THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

C.R.P. No.4120 OF 2015

O R D E R :

The petitioners, who are defendants in O.S.No.12 of 2015 on the file of Principal Junior Civil Judge, Puttur are exparte of a temporary injunction in I.A.No.l78 of 2015, which is now stated to be subjudiced in C.M.A.No.7 of 2015 on the file of Senior Civil Judge, Puttur. Pending said CMA, the respondents/plaintiffs filed I.A.No.450 of 2015 seeking police aid, which has been granted under the impugned order dated 12.08.2015.

The petitioners question the said order, *inter alia*, on the ground that CMA is pending before the appellate Court and the very validity of the injunction is subject matter of CMA, hence, the trial Court ought to have await for the result in the said CMA before granting police aid.

Learned counsel for the petitioners also placed reliance upon Exs.R.1 to 7 produced before the lower Court and the documents filed opposing the present petition.

It is evident from the impugned order that the petitioners have produced various documents while opposing the application for grant of police aid. Obviously, the trial Court could not have gone into merits of the injunction petition based on the said documents. Since the temporary injunction was already granted in favour of the plaintiffs, I do not see any error in the impugned order of the trial Court. However, the petitioners are at liberty to pursue C.M.A 7 of 2015 and can also produce and rely upon the documents which they are now produced before the trial Court as referred in the impugned order.

Accordingly, the civil revision petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending in this petition, if any, shall stand closed.

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VILAS V.AFZULPURKAR, J

03.11.2015

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THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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DATE: 03.11.2015

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